FAO No. 135 of 2000

10.7.2008 Present: Mr. Bhagwati Chander Verma, counsel for the appellants.
Mr. Sanjiv Kuthiala, counsel for respondent -2.

In this case arguments were heard and judgment was reserved on 21.4.2008. However, while dictating judgment, this Court felt that it would be appropriate to try for reconciliation between the parties since the amount involved is very small and it would not be proper to send the parties back for another round of litigation.

While deciding the present appeal, I had found that it would be necessary to remand the matter to the learned Motor Accident claims Tribunal since the respondent-United India Insurance Company with whom the vehicle was insured had not been arrayed as a party before the learned MACT. This would entail leading of fresh evidence in its entirety. Unnecessary expense would have to be incurred and precious time of the learned Tribunal would be wasted in conducting the trial afresh.

After going through the entire record, I found that this was a fit case where the matter may be compromised for a small sum of about Rs.20,000/-. Thereafter the parties were called.

Shri Bhagwati Chander Verma appearing on behalf of the claimants had submitted that his clients would be satisfied if a sum of Rs. 20,000/- is paid as compensation to

them in full and final settlement of all their claims relating to the amount of their mother.

Shri B.M.Bharati, Manager of the United India Assurance Company had stated that since the driving licence of the driver was not available for verification, he would have to seek approval of the higher authorities for payment of this amount.

Today Shri Sanjiv Kuthiala learned counsel for the Insurance company states that the Insurance company has agreed to pay a sum of Rs. 20,000/- to the appellants/claimants in full and final settlement in respect of their claim in respect of the claim of their mother Smt. Santosh Sarju Prashad who suffered injuries in a motor vehicle accident.

Shri Bhagwati Chander Verma learned counsel for the appellants/claimants has made a statement which has been recorded separately that his clients have instructed him to state that they have agreed to accept this amount of Rs.20,000/- in full and final settlement of their claim and they shall not claim any other amount in respect of their mother who suffered injuries in a motor vehicle accident. Shri Sarju Prashad, father of the claimants is also present in Court and he has also instructed Shri Verma in my presence.

I am happy to note that both the parties have settled the matter amicably. A Bank draft of No. 690416 dated 9.7.2008 amounting to Rs.20,000/- (rupees twenty thousand

only) which Shri Sanjiv Kuthiala, has handed over in Court has been taken on record. The Registry is directed to ensure that this amount is deposited in the name of the Registrar General of this Court.

Since the parties have settled the matter amicably, the case is disposed of in terms of the statements of the learned counsel for the parties. The appeal is allowed, the award of the learned Motor Accident Claims Tribunal dated 31.12.1998 is set aside and the claimants are held entitled to Rs.20,000/- in equal shares as compensation on account of the mandatory loss to the estate on account of the injuries suffered by their mother in a Motor Vehicles Accident. The Insurance Company is held liable to pay this amount.

Since the matter has been disposed of and both the appellants/claimants are majors, it is ordered that Rs.10,000/- each shall be paid to each of the claimants/appellants by remitting the same to their bank accounts details whereof shall be supplied by the learned counsel within four weeks from today.

The appeal is disposed of in the aforesaid terms.

July 10, 2008 (Deepak Gupta),J.
s.

10.7.2008 Statement Shri Sanjiv Kuthiala, Advocate, for the Insurance Company.

Without S.A.

Stated that I have been instructed by the respondent - Insurance Company to offer a sum of Rs.20, 000/- in full and final settlement of the claim in respect of Smt. Santosh Sarju Prashad, who suffered injuries in a motor vehicle accident, which is the subject matter of the appeal. I am depositing a sum of Rs.20,000/- by way of a Bank draft No.690416 dated 9.7.2008, drawn at Canara Bank, The Mall, Shimla, in the name of Registrar General of this Court.

R O & A C. (Deepak Gupta), J.
10.7.2008.

10.7.2008 Statement Shri Bhagwati Chander Verma, Advocate, for the appellants/claimants.

Without S.A.

Stated that I have heard the statement of Shri Sanjiv Kuthiala, learned counsel for the respondent/Insurance Company and I accept a sum of Rs.20, 000/- as compensation on behalf of the appellants/claimants in full and final settlement of the claim in respect of Smt. Santosh Saru Prashad, who suffered injuries in a motor vehicle accident, which is the subject matter of the appeal. The claimants shall not file any other claim in respect of the said accident.

R O & A C. (Deepak Gupta), J.
10.7.2008.